

October 18, 2002

On behalf of all of us, I want to thank you for allowing us to provide comments to you on issues of importance to all of us. These observations I am sharing below may appear to be like 'sour grapes', perhaps, but they are not meant to be as such.

As a way of summarizing my observations and putting them in a context, I would like to share the following story with you. There was once a used horse dealer who was in the process of selling a used horse to a preacher. The used horse dealer just happened to have a *special* horse--as he explained to the preacher--and this horse would only respond to the commands 'Praise the Lord' to go forward and you had to say 'Amen' to get the horse to stop. He thought this was something the preacher would like, and, indeed, this was exceedingly pleasing to the preacher, who wanted very much to buy the horse, so he did. He rode off on the horse, and he was going along just fine thinking of what a great horse he had just gotten and how impressed his wife would be when she saw it and heard how special it was, when all of a sudden his daydreaming was interrupted as they came up to a cliff. The preacher immediately hollared 'WHOA' but the horse just kept on going. He pulled back on the reins, to no avail, hollared 'WHOA' some more and then, when the horse continued to ignore him and kept on going forward, the preacher realized his endtime was nigh and started a prayer to the good Lord as befit the occasion. It was a short prayer and when he finished he said 'Amen' and the horse stopped....right at the edge of the cliff! Whew!! The preacher looked over the cliff, shaking in his boots, whistled low under his breath, shook his head and said, 'Praise the Lord.'

Now, I have only been to four other NOSB meetings, starting with the NOSB meeting in La Crosse, and each meeting since: DC in October, 2001; Austin in May, 2002; and DC in September, 2002. So, I do not have a lot of experience in the history of these matters, but my observation based on these few meetings is two-fold:

- a) It appears that the decisions the NOSB makes on materials are not as consistent as they might be;
- b) It appears that the recent phenomena of the NOP providing interpretations to operators that contradict something an accredited certification agency has already decided in that operator's situation does not reflect well on the process, indeed, it appears to run counter to the process.

....the upshot of which--similar to the story about the special horse and the preacher--leaves us with 'mixed signals', so to speak, as both the NOSB and the NOP are the ones who are responsible for and who are looked to to provide the requisite guidance and direction for us as to how the NOS will be implemented.

Some examples of what I am talking about:

At both the October, 2001, NOSB meeting in DC and the May, 2002, NOSB meeting in Austin, there were several references to the need to avoid both annotations and sunsets. Indeed, for the copper annotation in October, the vote was dependent upon a ruling from OGC, I believe, as to whether a sunset could be included in the annotation. (This was allowed, eventually, but the implication was still that sunsets are not a good way to carry approval of materials forward, in general.) And at the May meeting, it was stated that the annotations for calcium oxide were getting too specific, and that it was not good to have a product approved with such specific annotations. The same concern had been raised at the October meeting about the copper, and its specificity to rice production.

However, at the September meeting, there was not any hesitation to use sunsets and no concern regarding specificity in annotations. There was a modicum of reference to the automatic 5-year sunset for all materials, but the Spirulina/sodium nitrate has its own special sunset date, notwithstanding.

Propylene glycol was approved with an annotation, "for treatment of acute ketosis of ruminants only" ... what about a subacute/prophylactic/she might have ketosis let's try some pg situation? What about other medicinals whose use will also be in acute/subacute situations, but it is not ketosis? Ditto for potassium sorbate, which was approved with an annotation, "only for use in alo vera production for livestock production" ... what about other products for livestock production that use potassium sorbate in a similar manner and for which a substitute is not readily available? Neither of these examples are necessarily 'inconsistent' material rulings, but they do reflect a

signal being sent and I can assure you that as a representative of a certification agency and one who has to answer questions from operators about materials, sure as shootin' the question will come up about why such and such a product with pg or ps in it can not be used. And the answer is, because the NOSB decided to restrict the annotation, but the result is an inconsistency.

Both the tetrasodium pyrophosphate and the Spirulina decisions were specific to an industry and to a product and the decisions were positive for that industry and product. On the other hand, the calcium oxide/calcium hydroxide decision in May in Austin was negative, and had much less specificity attached to it (cal ox/cal hydrox are two generic natural agricultural materials) even though, as is reflective of the petition process and to be expected, there was one company wanting to get it approved so their product could then be marketed in the organic marketplace. It was also stated in Austin concerning cal ox that there were substitutes out there, thus let them use the substitutes. But from both the proponents of TSPP and Bio Cal it was stated that the substitutes 'were no substitute', ie, did not do the same thing. TSPP was approved; cal ox/Bio Cal was not. An inconsistency, or worse.

Although it has not happened yet, I have a concern about mineral oil and that perhaps we will end up making this material not available to companies making livestock supplements, even though it is used in extremely small amounts and substitutes are not readily available.

I need to wrap this up. I have other concerns. There are other examples of inconsistencies. Here are some suggestions for improving the process:

1. Get more information for a fuller picture of the material and its scope/possible uses. I know the TAP reviews are supposed to do that, but sometimes they do not. Somehow this has to be determined at some point in the process and then acknowledged and handled appropriately, ie, defer the material.
2. With this more information and getting a handle on the bigger picture of uses of that material, do not limit producers and processors in the industry to one or two substitutes. There seems to be a given position adhered to by some NOSB members that if there are one or two substitutes, then allowing another synthetic is not the way to go. But, using the cal ox/Bio Cal product as an example, different liming materials act in different ways. Also, different liming materials are available differently on a nationwide basis. Let's provide a variety--several--alternatives, instead of relegating ourselves to one or two.
3. Finally, reflecting the crux of this issue, we are all human, and we each have our predilections, our senses of what we feel organic agriculture is. Juxtapose this with the inherent minutiae of materials discussion and the emotional ties brought to the discussion of different materials, and it is a sine qua non that inconsistencies may and will occur. I am not faulting that phenomena. However, if we accept this 'nature of the beast/process', so to speak, then my suggestion is to not be too tight or shortsighted in evaluating acceptability of materials. As Goldie mentioned in September regarding activated carbon, I believe it was, we need to realize that even if a crop is raised without any approved chemicals or synthetics, almost all food is processed and will have to have reference to some synthetic material, either as a processing aid or an excipient. I hope as many situations as possible can be accommodated, taking into consideration the above suggestions in 1. and 2.

And, again, as I stated in my comments in September, it is imperative that interpretations given by the NOP in the form of de facto decisions countering a decision already made by a certifier be handled in the proper manner, so that the accreditor role of the NOP/USDA is clearly kept separate from the certification program for which the NOP/USDA is overall responsible.

Thank you.

David Engel, Executive Director
Midwest Organic Services Association